

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 15-2014-CBM (KLS) Date: September 28, 2015

Title *Andre Lamont Woods v. E. Valencia et al*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

n/a
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: ORDER TO SHOW CAUSE FOR FAILURE TO PROSECUTE

On February 2, 2015, plaintiff, a California state prisoner proceeding *pro se* and *in forma pauperis*, filed a civil rights Complaint in the Northern District of California against prison officials at the California Mens Colony East in San Luis Obispo, California. (ECF Docket No. 1.) Plaintiff alleged that the defendants had improperly classified him as a member of the Compton Crips gang, thereby preventing him from participating in certain programs when the Crips were on lockdown and placing him at risk of gang violence. Plaintiff alleged that the the improper classification violated the Eighth and Fourteenth Amendments to the Constitution and constituted false imprisonment.

On March 17, 2015, the matter was transferred to the Central District (ECF Docket No. 5), and on August 13, 2015, the Court dismissed the Complaint with leave to amended for failing to state a claim for relief (ECF Docket No. 9). The Court ordered plaintiff to file a First Amended Complaint no later than September 14, 2015 and warned plaintiff that his failure to do so could result in the case being dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure.

Plaintiff, however, took no action in response to the Court's August 13, 2015 Order. The deadline for plaintiff to file a First Amended Complaint is now 14 days past, and plaintiff has not communicated with the Court regarding any issue in more than six months.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 15-2014-CBM (KLS) Date: September 28, 2015

Title *Andre Lamont Woods v. E. Valencia et al*

A *pro se* litigant “is subject to the same rules of procedure and evidence” as other parties “who are represented by counsel.” *United States v. Merrill*, 746 F.2d 458, 465 (9th Cir. 1984). Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, an action may be subject to involuntary dismissal if a plaintiff “fails to prosecute or to comply with these rules or a court order.” Accordingly, the Court could properly recommend dismissal of the action for Plaintiff’s failure to timely comply with the Court’s Order of August 13, 2015.

However, in the interests of justice, plaintiff is **ORDERED TO SHOW CAUSE on or before October 28, 2015**, why the Court should not recommend that this action be dismissed for failure to prosecute. If plaintiff wishes to proceed with any of the dismissed claims, he may discharge this Order by filing: (1) a declaration signed under penalty of perjury that establishes good cause for plaintiff’s failure to comply with the Court’s August 13, 2015 order; *and* (2) a First Amended Complaint. Alternatively, if plaintiff does not wish to pursue any of the dismissed claims, he may file a Notice Of Dismissal.

Plaintiff is advised that the failure to respond to this order and establish good cause for his failure to comply with the August 13, 2015 order may result in the dismissal of his case pursuant to Fed. R. Civ. P. 41(b) and Local Rule 41-1.

IT IS SO ORDERED.

Initials of Preparer

:

rh
